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10/015,958	10/30/2001	David George De Vorchik	MFCP.88142	6989

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EXAMINER

RUTTEN, JAMES D

ART UNIT	PAPER NUMBER
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2192

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/015,958	Applicant(s) DE VORCHIK ET AL.	
	Examiner JAMES RUTTEN	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-11,14,16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7-11,14,16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/27/2010 has been entered.

2. Independent claims 1, 7-11, and 14 have been amended and claims 4-6, 12-13, 15, 17, and 20 have been canceled. Claims 1-3, 7-11, 14, 16, and 18-19 are pending and have been examined.

Response to Amendment

3. Independent claims 1, 7-11, and 14 have been amended to address issues pertaining to 35 U.S.C. § 101 as rejected in the 5/27/2010 Decision. Claims 1 and 7 are directed to a method"; claims 8 and 10 are directed to a "machine readable medium"; and claims 9, 11, and 14 are directed to a "computer system." Each of these claims have been amended to include recitations related to "one or more processors" in the body of the claim. With regard to method claims 1 and 7, these claims now appear to provide statutory subject matter since the method steps are claimed as being performed by a processor. Likewise, system claims 9, 11, and 14 now refer to a processor in the body of the claim in support of the structure provided in the preamble of these claims. Accordingly, claims 9, 11, and 14 are considered to be statutory. However, medium

claims 8 and 10 are still directed to a medium which, as pointed out in the 5/27/2010 Decision, are inclusive of signal embodiments. Accordingly, the rejections related to claims 1, 7, 9, 11, and 14 are withdrawn, while the rejections related to claims 8 and 10 are maintained.

Response to Arguments

4. Applicant's arguments filed 8/25/08 have been fully considered but they are not persuasive.

On page 5, section III(A) of the Reply Brief, with respect to the rejection of claims 7, 10, and 11 under 35 U.S.C. § 102(b) as anticipated by Fedorov, Applicant concludes the following: "The Office concludes that seismic.asp is a host wizard and equakeget.htm is a web component." It is noted that a review of the rejection shows that the claimed "web component" is anticipated by Fedorov's "screenshots of the wizard dialog on pp. 424-426" (see 6/23/08 Examiner's Answer, page 3).

On page 6, Applicant argues that Fedorov does not describe Seismic.asp as a wizard, but that equakeget.htm provides a wizard dialog. It should be noted that Sesmic.asp is cited in support of the term "host wizard." As previously implied (see 6/23/08 Examiner's Answer, page 8, incorporated herein), Applicant has not clearly explained why Seismic.asp cannot be regarded as the claimed host wizard.

At the bottom of page 6 through the top of page 7, Applicant essentially argues that Fedorov does not teach recursive navigation. More particularly, Applicant suggests that "Recursive navigation allows forward and backward navigation between both the host wizard and the web component." However, this suggestion does not appear to be supported in the claim

language. Furthermore, the specification does not appear to provide such an interpretation. Rather, the specification refers to "recursive navigation to and between other pages," and "one or more pages or screens that allow recursive navigation in much the same way that any wizard application does." Thus Applicant's argument does not appear to be founded upon support from either the claims or the specification. As explained in the 6/23/08 Examiner's Answer, Fedorov appears to provide disclosure of a reasonable interpretation of the claimed language.

On pages 8-9, with respect to the rejection of claims 1, 8, and 9 under 35 U.S.C. § 102(e) over Gauthier, Applicant cites numerous passages from Gauthier in order to conclude that "Nothing in Gauthier requires the execution of a subwizard." However, one of the passages cited by Applicant reads as follows: "The WizardManager class defines objects which control the **execution of multiple subwizards** within the target wizards" (see Gauthier column 9 lines 56-58) [emphasis added]. In view of this passage, Applicant's argument does not clearly explain the suggestion that subwizards are not executed. As noted on pages 11-12 of the 6/23/08 Examiner's Answer, passing control is necessary in order for the subwizards to execute.

On pages 9-10, with respect to the rejection of claim 14 over Gauthier, Applicant argues that Gauthier does not teach "navigation components on each wizard that allow sequential progression or regression through said first and second wizards to chain said second wizard to said first wizard to guide a user through the first and second tasks." This appears to be premised on Applicant's suggestion that "The navigation control described in Gauthier is limited to panels within the target wizard." However, as noted in the 6/23/08 Examiner's Answer (see pages 13-14), the "panels within the target wizard" are actually subwizards (See Gauthier column 7 lines

13-19; also see Fig. 3). Applicant has not addressed these aspects of Gauthier. Therefore, Applicant's argument is not persuasive.

Claim Objections

5. Claims 8, 10, and 18 are objected to under 37 CFR 1.75(d), as reciting terms and phrases that do not find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. Specifically, claims 8, 10, and 18 recite, "machine readable medium". To overcome this objection, the examiner suggests replacing "machine readable medium" with --computer storage medium--, which has clear antecedent basis in the specification (see, e.g., p. 7, paragraphs 2-3).

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 8, 10, and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 8, 10, and 18 set forth machine readable media having computer executable instructions. Applicant's specification defines "computer-readable media" as embracing communication media embodiments, reasonably interpreted to include signals encoded with functional descriptive material. (Specification p. 7, lines 5-7.) The Office's current position is that claims involving signals encoded with functional descriptive material do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such claims are

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therefore ineligible for patent protection. *See* 1300 OG 142 (November 22, 2005) (in particular, see Annex IV(c)). Note the objection to claims 8, 10, and 18 under 37 CFR 1.75(d), as set forth above. Because the phrase “machine readable medium” does not find clear support in the specification it is not clear whether this phrase is distinct from the communication media embodiments. Amending these claims to recite “computer storage medium having computer executable instructions” would appropriately distinguish these claims from the communication media embodiments.

8. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. §101 (non-statutory) above are further rejected as set forth below in anticipation of Applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Alex Fedorov, et al., “Professional Active Server Pages 2.0,” 1998, Wrox Press Ltd (hereinafter *Fedorov et al.*).

As per claim 7, *Fedorov et al.* discloses generating a host wizard that defines an extension interface to respond to navigation events (*seismic.asp*, an Active Server Page that causes the loading and display of a wizard dialog box; see, for example, the last paragraph on p. 423; the response to navigation events is implemented through the “< Back”, “Next >”, “Cancel”, and “Send” navigation controls as illustrated, for example, on pp. 424-426); generating a web component comprising: a web page containing a header area, a wizard control area and a control interface area (see, for example, the screenshots of the wizard dialog on pp. 424-426), the control interface area having navigation control to recursively navigate within said web component and to said host wizard, by utilizing one or more object module functions enabling navigation (the screenshots of the wizard dialog on pp. 424-426 clearly show the “< Back” and “Next >” navigation controls). *Fedorov et al.* further discloses generating a user interface that integrates the web component into the host wizard by utilizing the extension interface to perform recursive navigation between said web component and said host wizard (the user-interface is provided by *equakeget.htm*, an HTML page, which interacts with the user and submits entered results to the Active Server Page script in *seismic.asp*; see, for example, “Submitting the Data” on p. 431); and utilizing an information container to exchange informational items between the web component and the host wizard (a return string is generated to convey the results; see, for example, “Submitting the Data” on p. 431).

As per claim 10, this is a computer readable medium version of the method discussed above (claim 7). The use of such a computer readable medium, such as memory, is further inherent in realizing the computer-implemented functionality disclosed by *Fedorov et al.*

As per claim 11, this is a computer system version of the method discussed above (claim 7). *Fedorov et al.* further discloses the prescribed methods as being computer-implemented (for example, the screenshots on pp. 424-427 illustrate execution within an Internet Explorer web browser environment, which inherently requires a processor and a memory to function as illustrated/described).

11. Claims 1-3, 8, 9, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,574,791 to Gauthier et al.

As per claim 1, *Gauthier et al.* discloses the use of a processor (see, for example, Fig. 1, element 110); generating a host-wizard component (see, for example, col. 9, line 56, through col. 10, line 5); generating one or more sub-wizard components (see, for example, col. 9, line 56, through col. 10, line 5); and said host-wizard invoking said one or more subwizard components during said host-wizard component execution (see, for example, col. 9, line 56, through col. 10, line 5); and transferring control from said host-wizard to said one or more sub-wizard components. As disclosed in col. 14, line 9, through col. 15, line 24, the subwizard includes several objects that define its functionality. For example, the WizardState object included in the subwizard maintains a set of attributes used to get and channel data from default attributes and/or user input and deliver those attributes to a WizardCodeGenerator object (col. 14, lines 29-37), and the WizardCodeGenerator object uses this channeled data to either generate code (for example, in the context of a wizard designed to configure a peripheral device) or perform or execute existing code (col. 15, lines 1-24). As the functionality for the subwizard is defined

within the subwizard, control must be passed to the subwizard during execution in order to realize the described functionality.

As per claim 2, *Gauthier et al.* further discloses the sub-wizard components being browser based object components (see, for example, col. 18, line 66, through col. 19, line 30).

As per claim 3, *Gauthier et al.* further discloses the sub-wizard components being operating system based application component object extensions (the basic functionality of the computer system disclosed by *Gauthier et al.* is controlled by operating system 100; see, for example, col. 6, lines 42-46).

As per claim 8, this is a computer readable medium version of the method discussed above (claim 1). *Gauthier et al.* further discloses the use of such a medium to implement the prescribed methods (see, for example, col. 5, line 52, through col. 6, line 4).

As per claim 9, this is a computer system version of the method discussed above (claim 1). *Gauthier et al.* further discloses the use of such a system to implement the prescribed methods (see, for example, col. 5, line 24, through col. 6, line 46).

As per claim 14, *Gauthier et al.* discloses the use of a system to implement the prescribed methods (see, for example, col. 5, line 24, through col. 6, line 46). *Gauthier et al.* discloses the use of a processor (see, for example, Fig. 1, element 110). *Gauthier et al.* also discloses wizards having panels to guide a user through tasks (see, for example, col. 2, lines 4-13; col. 11, lines 54-63). *Gauthier et al.* also discloses a first wizard (see, for example, col. 9, line 56, through col. 10, line 5); a second wizard (see, for example, col. 9, line 56, through col. 10, line 5); and utilizing at least one navigational component on each of said first and second wizards allowing

sequential progression or regression through said first and second wizards to chain said second wizard to said first wizard (see, for example, col. 10, lines 57-67; and col. 14, lines 9-14).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,574,791 to Gauthier et al. in view of Alex Fedorov, et al., “Professional Active Server Pages 2.0,” 1998, Wrox Press Ltd (“*Fedorov et al.*”).

As per claims 16, 18, and 19, although *Gauthier et al.* discloses the features recited in claims 1, 8, and 9 (see the rejection under 35 U.S.C. § 102(b) above), *Gauthier et al.* fails to expressly disclose passing a property bag (an assorted collection of miscellaneous data, variables and other information that a developer needs to transfer between wizards) between said host-wizard component and said one or more sub-wizard components. However, *Fedorov et al.* teaches providing a host wizard (*seismic.asp*, an Active Server Page that causes the loading and display of a wizard dialog box; see, for example, the last paragraph on p. 423) and a subwizard (the user-interface provided by *equakeget.htm*, an HTML page, which interacts with the user and submits entered results to the Active Server Page script in *seismic.asp*; see, for example, “Submitting the Data” on p. 431), wherein a “property bag” (a return string) is generated to pass the results back to the host wizard (see, for example, “Submitting the Data” on p. 431, describing

the passing of collected data to *seismic.asp* and the figure on p. 427, illustrating the subsequent display of the generated output in the web browser window). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wizards/subwizards of *Gauthier et al.* to include such passing of data (a “property bag”) as per the teachings of *Fedorov et al.* One would be motivated to do so to allow a host to process the data gathered by a sub-wizard to accomplish an overall task, particularly where large amounts of data must be collected or when tasks are complex (see, for example, *Fedorov* “Using Enhanced Forms with ASP” and “A Tour of the Seismic Load Calculator” on p. 423).

Conclusion

14. This is a continuation of applicant's earlier Application No. 10/015,958. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however,

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event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES RUTTEN whose telephone number is (571)272-3703.

The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Derek Ruten/
Primary Examiner, Art Unit 2192